App. F. IX-4

PRESERVED

File No. 28 60

Previous References.

Serial Nos.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

Mysore Coffee Market Expansion (Emergency) Act 1940.

Serial No.	

The Mysore Coffee Market Expansion (Emergency) Act, 1940.

For main file relating to this Act see
I & C file no 107-40-(2, 3, 5, 7, 8, 15,

No.334(5)-Tr.(I.E.R)/40.
GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE. EXPRESS DELIVERY.

New Delhi, the 16th December, 1940.

From

H.C. Prior, Esquire, C.I.E., I.C.S.,
Additional Secretary to the Government of India,

To

The Secretary to the Government of Madras,
Development Department.

Coffee Market Expansion Ordinance 1940 and Rules to be issued thereunder by the Provincial Government.

Sir,

In continuation of this Department letter No.334(1)-Tr.(IER)/40 dated the 14th December 1940, forwarding copies of the Coffee Market Expansion Ordinance, 1940, I am directed to invite particular attention to sections 14 and 15 of the Ordinance. Section 14 requires the Provincial Government to appoint registering officer or officers for the purpose of the registration of coffee estate-owners and their estates while section 15 empowers the Provincial Government to issue the necessary Rules relating to such registration. A draft of the Coorg Coffee Estate-owners' Registration Rules, 1940, proposed to be issued in the Gazette of India of the 21st December 1940 is forwarded herewith for the information of the Provincial Government and for promulgation by them of similar rules with such changes as they may deem essential in the light of the conditions prevailing in the Province.

2. I am to request that copies of the Rules when issued may be forwarded to this Department as well as to the Secretary, Indian Coffee Market Expansion Board, Bangalore and the Controller, Bangalore. It is expected that the B be constituted as from 21st December and will

meeting at Bangalore on that date.

I have the honour to be,

Sir,

Your most obedient servant,

H. C. Prior.

Additional Secretary to the Government of India

No.334(5)-Tr(IER)/40.

Copy [with a copy of the draft Rules] forwarded, for information (and necessary action) to -

1. The Education Health and Lands Department.
2. The Political Department.
3. The Chairman, Indian Coffee Cess Committee, Bangalore.
4. The Controller of Coffee, c/o Indian Coffee Cess Committee, Bangalore.
5. The Chief Commissioner, Coorg.

In exercise of the powers conferred by sectio 15 of the Coffee Market Expansion Ordinance, 1940 (N XIII of 1940), the Central Government is pleased to make the following Rules, namely:-

1(1). These rules may be called the Coorg Coffe Estate-owners Registration Rules, 1940.

(2) They extend to the Province of Coorg.

(2)(2). In these rules -

(i) "Form" means a form appended to these ru

(ii) "Ordinance" means the Coffee Market Expa sion Ordinance, 1940;

(iii) "Registering Officer" means the registeri officer appointed by the Provincial Government under sub-section (1) of secti 14 of the Ordinance.

3. An application for registration under sectio of the Ordinance shall be made to the Registering Officer in Form A and shall be accompanied by a fee o rupee one in respect of each estate owned by the applicant.

4. An application for registration shall not be granted by the Registering Officer if he is satisfied that the area under coffee in the applicant's estate or estates is less than 25 acres, and for this purpos he may call for such additional information as he thi fit from the applicant.

5. If an application for registration is granted the Registering Officer shall issue a certificate of registration in Form B.

6.(1). A registration may be cancelled by the Registering Officer on application made by a registered owner on the ground that the area under coffee in the registered estate or estates has fallen below 25 acres

or that he has ceased to be the owner of the registered estate or estates.

(2) Every application under sub-~~section~~ (1) shall be accompanied by a fee of one rupee.

7. A registered owner shall, in the event of any of his estates being sold or otherwise transferred, intimate to the Registering Officer the particulars of the estate sold or transferred.

8. The Registering Officer shall maintain a register of registered owners and a register of registered estates, and shall forward to the Board from time to time certified copies of all entries in those registers.

APPENDIX.

Form A (Rule 3).

Form of Application for registration under section 14 of the Coffee Market Expansion Ordinance, 1940.

Name of Owner..... Address of Owner.....

.....

Total Area of Estates owned vide Schedules A and B below.....

Whether Application made to any other Registering Officer(particulars to be given).....

Schedule A. Estates in British India.

(i) Situated in Madras.

Name of Estate.	District.	Village.	Survey No.	Area in acres.
			Total	

(ii) Situated in Coorg.

Name of Estate.	District.	Village.	Survey No.	Area in acres.

Name of Estate. District Village. Survey

Signature of Appli

Registering Officer under section 14 of the Indian Coffee Market Expansion Ordinanc

----------District,

---------- Province

FORM B. (Rule 6).

Certificate of registration of a registered owner.

(Section 14 of the Coffee Market Expansion Ordinance, 1940).

No.

Mr.....of(address).....has been registered as the registered owner of coffee estates mentioned in the Schedule below under Section 14 of the Coffee Market Expansion Ordinance, 1940.

(Signature) Registering Officer.

Seal.

Place----------,
Dated.....194

==========

Schedule.

A. Estates in British India.

Name of estate/District/Village/Survey No./ Area.

B. Estates outside British India.

Name of estate/District/Village/Survey No./Area.

Additional Secretary to the Government of India.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No.
Serial No.

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Ordered that the accompanying..... Emergency
.....to provide for assistance to the coffee
.....industry by regulating the export of
.....from and the sale of coffee in and
which received the assent of His High- and for
ness the Maharaja, on the.....20th.....
day of.....December..... 1940,
be published as Regulation No.....Act XXVIII
of 1940, in the *Mysore Gazette* for general information.

Date of issue.....

Signed by.....

Secretary to Government.

Law Dept

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

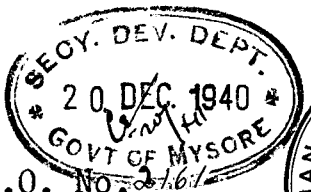
(iv) Translated?

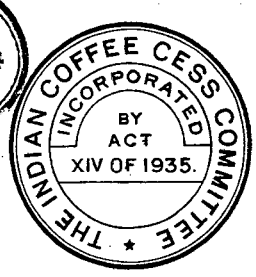
(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of Spare C
.....spare copies in English, and as per sti
.....spare copies in Kannada to order
this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.





D.O. No. 3161

Bangalore,

December 20, 1940

Dear Mr. Noronha,

Please refer to your d.o. letter No. D.S.22 dated the 19th December 1940 and the enclosed draft Act, which is returned herewith with a few corrections shown in red chalk.

2. Pages 1, 2 and 3 appear to have been re-typed, omitting one of the sections in the original draft. The consequent corrections in the serial numbers of the subsequent sections have now been carried out by me.

3. The "year" referred to in Section 11 of the Act has not been defined in Section 2 of the Act. I presume this is because the "coffee year" is also your official year.

4. I do not think that a proviso to sub-section (1) of section 5, as in the draft Act, is really necessary. There are no Indian States adjacent to Mysore. I have not also heard of any case of an owner having a few acres in Mysore, and a few more in Travancore or Cochin, but I believe that on the Billigiris there are one or two estates which are situated partly in Mysore and

partly in the Coimbatore district, the regi
tion of which will be done in British India

Yours sincerely,

(M. J. Simon)

C. E. Noronha, Esq., M.A.
Secretary to Government,
Development Department,
General & Revenue Secretariat,
BANGALORE.

No. Encl to 2351
Date 19.12.40
BANGALORE.

The Mysore Coffee Market Expansion (Emergency) Act, 1940.

(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means).

WHEREAS the Coffee Market Expansion Ordinance, 1940, has been made and promulgated in British India to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India, and by other means;

AND WHEREAS it is necessary to make similar provision in Mysore for assistance to the coffee industry

NOW THEREFORE in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923

It is hereby enacted as follows:-

1. (1) This Act may be called the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context, -

(a) "the Board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance,

(b) "coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name and includes raw coffee, cured coffee and uncured coffee;

(c) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(d) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

(e) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(f) "estate" means an area administered as one unit which contains land planted with coffee plants;

(g) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(h) "ordinance" means the Coffee Market Expansion Ordinance, 1940 of the Government of India;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5 of this Act or under sub-section (1) of section 14 of the ordinance or under any law or rule having the force of law of an Indian State and includes also any estate in respect of which an owner is required to be registered under the provisions of that sub-section;

(k) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(l) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government on the recommendation of the Board by notification in the official gazette on all coffee, except coffee sold and delivered before the commencement of this Act, which a registered estate is permitted by

the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

4 (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

5. (1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him;

Provided that where the ~~estate or estates~~ land in question ~~are~~ is situated partly in Mysore and partly in ~~another Indian State or States~~ British India, the application shall be made to the registering officer appointed ~~by any State.~~ in Br. India

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the

the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

7 B. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

8 B. (1) No registered owner shall, after the commencement of this Act, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded;

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December, 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the 3rd day of December 1940.

9 B. No registered owner shall sell uncured coffee (including pounded coffee) direct from an estate except under and in accordance with the provisions of a license procured from the ~~Government~~ Board under section 14. 13 Sec.

10 B. No registered owner shall sell cured coffee (including pounded coffee) otherwise than through a curing establishment licensed under section 17. 16

11 B. (1) The Government shall, as soon as may be after

after the commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section(1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

16. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

16
17. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17
18. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any time by the Government or by an officer authorised in this behalf by the Govt.

Payments to registered owners.

18
19. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the said Ordinance if such estate had been situated in British India.

Failure to register.

19 20. Any owner of a coffee estate who fails to apply for registration in accordance with section 6 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of Coffee in contravention of sections 8, 9, 10, or 11.

20 21. Any registered owner who sells coffee in contravention of section 8 7 or section 9 8 or section 10 9 or section 11 10 shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

Unlicensed curing establishment.

21 22. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22 23. Any person who makes in any return to be furnished under section 13 12 or in any report to be made under section 18 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23 24. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24 25. (1) No Court other than the Court of a Magistrate of the first class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence, punishable under section 20 except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25 26. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of this Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purposes of sections 3 & 8

:als to the Governm e n t.

26 27. (1) Any person aggrieved by an order of the Board refusing a licence to or cancelling a licence of a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this ection shall pay a fee of five rupees.

Inspection of records.

27 28. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept therein.

Inspection of records the Board and obtaining of copies.

28 29. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29 30. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December, 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void.

Provided that the Board may by order relax the provisions of this section in their application to any individual contract.

30 31. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

31 32. The Government may, delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board of to the Controller.

.E.Noronha,M.A.,

19th December 1940.

D.S.22.

Dear Mr.Simon,

I am desired to enclose a copy of our draft ordinance in regard to coffee control for favour of perusal and remarks if any.

Yours sincerely,

19/XII

M.J.Simon, Esq.,

Secretary, Indian Coffee Cess Committee,

Bangalore.

GENERAL AND REVENUE SECRETARIAT,

Bangalore, Dated, ~~20th December~~ 1940.

Dear Sir,

I am desired to send herewith a copy of a draft Bill and to request that the matter may be set in type and three clean proofs sent to me by 4 o'clock today. The Act will have to issue as a Gazette Extraordinary today or tomorrow, for which separate orders will issue

Yours sincerely,

20/12

B.Krishnaswamy Chetty Esq., B.E.,etc.,
Superintendent, Government Printing, Bangalore.

In writ

D. O. No. P3189

GENERAL AND REVENUE SECRETARIAT,

Bangalore, Dated, 20th December 1940.

Dear Sir,

I am desired to send herewith drafts of certain notificatinns and to request that they may be kindly set in type. They will have to issue as Gazette Extraordinary to-morrow along with the Emergency Act a copy of which has been sent already.

Arrangements may kindly be made to have the Act and the Notifications issued as a Gazette Extraordinary to-morrow on receipt of approved and duly signed copies.

Yours sincerely,

MVV 20/12

B. Krishnaswamy Chetty, Esq., B.E., etc.
Superintendent, Government Printing,
Bangalore.

Notification.

In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the said Act shall come to force on and from the 21st December 1940.

By Order,

Secy. to Govt.
Dev. Deptt.

20/12/40

To

The Compiler, Mysore Gazette.

P3198 Dep: 28.40.3 24.12.40.

Notification.

In exercise of the powers conferred on them by the Mysore Coffee Market -- Expansion (Emegency) Act, 1940, the Govern ment of His Highness the Maharaja are pleased to appoint the Deputy Commissioners of Districts to be Registering Officers within their respective districts

By Order,

Secy. to Govt.
Dev. Dept.

To

The Compiler, Mysore Gazette.

3193-Leg 28:40-41-d 21-12-40.

Notification.

In exercise of the powers conferred by section 31 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to delegate to the ~~Board~~ Indian Coffee Market Expansion Board all the powers exercisable under sections 7, 11, 12, 13, 16, and 17 of the said Act.

By Order,

Secy. to Govt.
Dev. Dept.

To

The Compiler, Mysore Gazette, for publication.

The Mysore Coffee Estate-owners Registration Rules, 1940.

In exercise of the powers conferred by section 6 of the Mysore Coffee Market -- Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to make the following Rules, namely:-

1(1). These Rules may be called the Mysore Coffee Estate-owners Registration Rules, 1940

(2) They extend to the whole of Mysore

2. In these Rules, -

(i) "Form" means a form appended to these rules;

(ii) 'Act' means the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(iii) "Registering Officer" means the Registering officer appointed by the Government under sub-section (1) of section 5 of the Act.

3. An application for registration under section 5 of the Act shall be made to the Registering Officer in Form A and shall be accompanied by a fee of rupee one in respect of each estate owned by the applicant.

4. An application for registration shall not be granted by the Registering Officer if he is satisfied that the area under coffee in the applicant's estate or estates is less than 25 acres, and for this purpose he may call for such additional information as he thinks fit from the applicant.

5. If an application for registration is granted the Registering Officer shall issue a certificate of registration in Form B.

6(1) A registration may be cancelled by the Registering Officer on application made by a registered owner on the ground that the

area under coffee in the registered estate or estates has fallen below 25 acres or that he has ceased to be the owner of the registered estate or estates.

(2) Every application under sub-rule (1) shall be accompanied by a fee of one rupee.

7. A registered owner shall, in the event of any of his estates being sold or otherwise transferred, intimate to the Registering Officer the particulars of the estate sold or transferred.

8. The Registering Officer shall maintain a register of registered owners and a register of registered estates, and shall forward to the Board from time to time certified copies of all entries in those registers.

Appendix

Form A. (Rule 3).

Form of application forregistration under section 5 of the Mysore Coffee Market Expansion (Emergency) Act 1940

Name of owner. Address of Owner.....
.....

Total Area of Estates owned. (vide Schedules A and B below).....
Whether Application made to any other Registering Officer (particulars to be given).....

Schedule A. Estates in Mysore.

Name of Estate.	District.	Village.	Survey No.	Area in acres.

Total.

Schedule B. Estates outside Mysore.

Name of Estate.	District.	Village	Survey No.	Area in acres

Form B. (Rule 5.)

Certificate of registration of a registered owner.

(Section 5 of the Mysore Coffee Market Expansion(Emergency) Act, 1940.)

No.

Mr.... ..... of (address)..... has been registered as the registered owner of coffee estates mentioned in the schedule below under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.

Signature (Registering Officer.)

Seal.

Place.....
Dated.....194..

=====

Schedule.

A. Estates in Mysore.
Name of estate /District / village /Survey No. /Area.

B. Estates outside Mysore.
Name of estate /District / Village/ Survey No. /Area.

Act 80 of 1940

The [illegible] extension ([illegible])
[illegible], 1940.

(To [illegible] reference to the coffee industry by regulating the amount of coffee for the sale of coffee in [illegible] by other means).

(Received the assent of His Highness the Rajpramukh on the [illegible] December 1940)

Whereas the coffee export extension ordinance, 1940, has been promulgated in United India to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee within India, and by other means;

And whereas it is necessary to make provision for giving effect to the objects of the said ordinance in the State and for conferred by section 111 of the [illegible], 1935;

It is hereby enacted as follows:-

1. (1) This act may be called the [illegible] extension (amendment) act, 1940.

(2) It extends to the whole of [illegible].

(3) It shall come into force on such date as the Government may, by notification in the official gazette, appoint.

2. In this act, unless there is anything repugnant in the subject or context, -

(a) "[illegible]" means [illegible] and includes [illegible];

(b) "coffee" means coffee [illegible] and includes [illegible] but does not include [illegible] coffee [illegible];

m) "year" means the period of twelve months beginning on the 1st day of July 1940, and ending on the 30th day of June 1941:

rovided that the Government may, by notification in the official Gazette, declare that the year for the purposes of any section of this Act which may be specified in the notification shall be fourteen months ending on the 31st day of August, 1941.

(c) "controller of coffee" means the controller of coffee appointed under the Ordinance;

d) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

e) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

f) "estate" means an area administered as one unit which contains land planted with coffee plants;

g) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(h) "Ordinance" means the Coffee (Provisional Regulation) Ordinance, 1940 of the Government of India;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5 or under sub-section (1) of section 14 of the Ordinance or under any law or rule having the force of law in an Indian State and includes also any estate in respect of which an owner is required to be so registered under the provisions of that sub-section;

(k) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(l) "surplus pool" means the stock of coffee accumulated by the Board out of the quantities delivered to the Board under section

3. Duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government on the recommendation of the Board by notification in the Official Gazette on all coffee, except coffee sold and delivered before the commencement of this Act, which a registered estate is entitled by

the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owners of the estates producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool and shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner of the coffee on demand by the Board within one month of demand by the Board

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5.(1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him;

Provided that where the est to or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

6.(1) The Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the

the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of Coffee wholesale.

7.(1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8.(1) No registered owner shall, after the commencement of this Act, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded;

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December, 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the 3rd day of December 1940.

Sale of uncured coffee.

9 ~~10~~. No registered owner shall sell uncured coffee (including pounded coffee) direct from an estate except under and in accordance with the provisions of a license procured from the Government under section 13.

Sale of cured coffee.

10. No registered owner shall sell cured coffee (including pounded coffee) otherwise than through a curing establishment licensed under section 16.

Internal sale quota.

11.(1) The Government shall, as soon as may be after

ter the commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section(1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of the Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner before an internal sale quota has been allotted to an estate treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15
16. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

17. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

18. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any time by the Government or by an officer authorised in this behalf by the Govt.

Payments to registered owners.

19. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the said Ordinance if such estate had been situated in British India.

Failure to register.

19 ~~20~~. Any owner of a coffee estate who fails to apply for registration in accordance with section ~~5~~ 6 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of Coffee in contravention of sections ~~8, 9, 10, or 11~~ 7, 8, 9 or 10

20. Any registered owner who sells coffee in contravention of section ~~8~~ 7 or section ~~9~~ 8 or section ~~10~~ 9 or section ~~11~~ 10 shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 19 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

Unlicensed curing establishment.

21 ~~22~~. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22 ~~23~~. Any person who makes in any return to be furnished under section ~~13~~ 12 or in any report to be made under section ~~16~~ 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23 ~~24~~. Whoever obstructs any member of officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the first class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence, punishable under section ~~20~~ 19 except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of this Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section ~~9~~.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to or cancelling a licence of a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27 ~~28~~. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept there in.

Inspection of records the Board and obtaining of copies.

28 ~~29~~. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29 ~~30~~. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December, 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void.

Provided that the Board may by order relax the provisions of this section in their application to any individual contract.

30 ~~31~~. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

31. ~~32~~. The Government may, delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller.

The Mysore Coffee Estate-owners Registration Rules, 1940.

In exercise of the powers conferred by section 6 of the Mysore Coffee Market -- Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to make the following Rules, namely:-

1(1). These Rules may be called the Mysore Coffee Estate-owners Registration Rules, 1940

(2) They extend to the whole of Mysore

2. In these Rules

(i) "Form" means a form appended to these rules;

(ii) 'Act' means the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(iii) "Registering Officer" means the Registering officer appointed by the Government under sub-section (1) of section 5 of the Act.

3. An application for registration under section 5 of the Act shall be made to the Registering Officer in Form A and shall be accompanied by a fee of rupee one in respect of each estate owned by the applicant.

4. An application for registration shall not be granted by the Registering Officer if he is satisfied that the area under coffee in the applicant's estate or estates is less than 25 acres, and for this purpose he may call for such additional information as he thinks fit from the applicant.

5. If an application for registration is granted the Registering Officer shall issue a certificate of registration in Form B.

6(1) A registration may be cancelled by the Registering Officer on application made by a registered owner on the ground that the

area under coffee in the registered estate or estates has fallen below 25 acres or that he has ceased to be the owner of the -- registered estate or estates

(2) Every application under sub-rule (1) shall be accompanied by a fee of one rupee.

7. A registered owner shall, in the event of any of his estates being sold or otherwise transferred, intimate to the Registering Officer the particulars of the estate sold or transferred.

8. The Registering Officer shall maintain a register of registered owners and a register of registered estates, and shall forward to the Board from time to time certified copies of all entries in those registers.

By Order,

Secretary to Government,
Development Department.

To

The Compiler, Mysore Gazette, for publication.

Form of application forregistration under section 5 of the Mysore Coffee Market Expansion (Emergency) Act 1940

Name of owner

Address of Owner.....
.....

Total Area of Estates owned. (vide Schedules A and B below).....
Whether Application made to any other Registering Officer (particulars to be given).....

Schedule A — Estates in Mysore.

Name of Estate.	District.	Village	Survey No.	Area in acres.

Total.

Schedule B — Estates outside Mysore.

Name of Estate.	District.	Village.	Survey No.

Form B. (Rule 5.)

Certificate of registration of a registered owner.

(Section 5 of the Mysore Coffee Market Expansion(Emergency) Act, 1940.)

No.

Mr.... ..... of (address)..... has been registered as the re istered owner of coffee estates mentioned in the schedule below under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.

Signature (Registering Officer.)

Seal.

Place.....
Dated.....194..

=====

Schedule.

A. Estates in Mysore.
Name of estate /District / village /Survey No. /Area.

B. Estates outside Mysore.
Name of estate /District / Village/ Survey No. /Area.

Notification.

In exercise of the powers conferred by section 31 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to delegate to the ~~Board~~ Indian Coffee Market Expansion Board all the powers exercisable under sections 7, 11, 12, 13, 16, and 17 of the said Act.

By Order

Secy. to Govt.
Dev. Dept.

To

The Compiler, Mysore Gazette, for publication.

Notification.

In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the said Act shall come to force on and from the 21st December 1940.

By Order,

Secy. to Govt.
Dev. Deptt.

To

The Compiler, Mysore Gazette.

Notification.

In exercise of the powers conferred on them by the Mysore Coffee Market -- Expansion (Emegency) Act, 1940, the Govern ment of His Highness the Maharaja are pleased to appoint the Deputy Commissioners of Districts to be Registering Officers within their respective districts

By Order,

Secy. to Govt.
Dev. Dept.

To

The Compiler, Mysore Gazette.

[illegible] (Amendment) Act, 1940.

[illegible] coffee [illegible] to [illegible] of coffee [illegible] of coffee [illegible].

[illegible] Coffee (Temporary Provisions) Act, 1940, has been [illegible] to provide for [illegible] of coffee [illegible] purchase [illegible] of coffee from [illegible] of coffee in [illegible] and [illegible];

[illegible] in accordance with the provisions in that behalf contained in [illegible] to the said Treaty;

[illegible] in the case of [illegible] by section [illegible] of the said Act, 1940;

It is hereby enacted as follows:-

1. (1) This Act may be called the [illegible] (Amendment) Act, 1940.

(2) It extends to the whole of [illegible].

(3) It shall come into force on the [illegible] of [illegible], in [illegible] in the official gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context, -

(a) "[illegible]" means [illegible] of coffee [illegible] and includes any [illegible] of coffee [illegible];

(b) "coffee" means [illegible] coffee, [illegible] and includes [illegible] coffee [illegible] name, and [illegible] coffee [illegible], and [illegible] coffee [illegible];

(c) "controller of coffee" means the controller of coffee appointed under this Ordinance;

(d) "curing" means the application to raw coffee mechanical processes other than those solely for the purpose of preparing it for marketing;

(e) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(f) "estate" means any area administered as one unit which contains land planted with coffee plants;

(g) "internal sale quota" means that portion of the export or bulk or both, of the whole of coffee produced by an estate in the year which a registered owner is permitted to sell in the Indian market;

(h) "Ordinance" means the Coffee (Internal Expansion) Ordinance, 1940 of the Government of India;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "registered estate" means an estate in respect of which an owner is required under sub-section (1) of section 5 or under sub-section (1) of section 16 of the Ordinance or under law or rule having the force of law of an Indian State and includes also any estate in respect of which an owner is required to be registered under the provisions of that sub-section;

(k) "registered owner" means an owner of an estate who has been or is required to be registered under sub-section (1) of section 5;

(l) "surplus pool" means the pool of coffee acquired by the Board out of the surplus relating to the year under section

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government on the recommendation of the Board by notification in the official Gazette on all coffee, except coffee sold and delivered before the commencement of this Act, which a registration certificate is permitted

the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner on the entire production of the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

5.(1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him;

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

6.(1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the

the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to ~~the~~ the Board.

7.(1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

8.(1) No registered owner shall, after the commencement of this [redacted] or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded;

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December, 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the 3rd day of December 1940.

9. ~~10.~~ No registered owner shall sell uncured coffee(including pounded coffee) direct from an estate except under and in accordance with the provisions of a license procured from the Government under section ~~14~~ 13.

10. No registered owner shall sell cured coffee(including pounded coffee) otherwise than through a curing establishment licensed under section ~~17~~ 16.

11.(1) The Government shall, as soon as may be after

after the commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12.(1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section(1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14.(1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each ~~consignment~~ Consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

16. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any time by the Government or by an officer authorised in this behalf by the Govt.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the said Ordinance if such estate had been situated in British India.

Failure to register.

19 ~~20~~. Any owner of a coffee estate who fails to apply for registration in accordance with section ~~8~~ 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of Coffee in contravention of sections ~~8, 9, 10, or 11~~ 7, 8, 9 or 10.

20. Any registered owner who sells coffee in contravention of section ~~8~~ 7 or section ~~9~~ 8 or section ~~10~~ or section ~~11~~ 10 shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 19 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section ~~13~~ 12 or in any report to be made under section ~~18~~ 17 any statement which is false and which e knows to be false or does not believe to be true shall e punishable with fine which may extend to one thousand upees.

Obstruction.

23. Whoever obstructs any member of officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the first class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence, punishable under section 19 except on complaint made by an officer authorised in this behalf the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of this Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to or cancelling a licence of a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept there-

in

Inspection of records the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29 30. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December, 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void.

Provided that the Board may by order relax the provisions of this section in their application to an individual contract.

30. The Government may by notification in the official Gazette, make rules to carry out the purpose of this Act.

31. The Government may delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of Coffee

The [illegible] Relief (Indian Taxation) (Amendment) Act, 1940.

An Act to provide for relief in respect of taxation in the coffee industry by regulating the amount of coffee grown for sale and the sale of coffee in [illegible] and in other cases.

[illegible] coffee (Amendment) Act, 1940, has been made and promulgated by the Governor-General in Council in exercise of the powers conferred by section 67 of the Government of India Act, and by all other powers enabling him in that behalf;

And whereas it is necessary to make the following provision in respect of taxation relating to the coffee industry;

Now therefore in exercise of the powers conferred by section 67 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to make and promulgate the following Act:-

It is hereby enacted as follows:-

1. (1) This Act may be called the Coffee (Indian Taxation) (Amendment) Act, 1940.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Governor-General may, by notification in the official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context, -

(a) "Act" means the Indian Coffee Cess Act, 1942, and includes any rules made thereunder and in force at the commencement of this Act;

(b) "coffee" means the commodity derived from the berry or seed of plants of the genus Coffea and includes raw coffee, cured coffee and roasted coffee;

(c) "controller of coffee" means the controller of coffee appointed under this Ordinance;

(d) "crop" means the collection of raw coffee of individual producers other than pulpers for the purpose of preparing it for marketing;

(e) "crop establishment" means expenditure in which maturation is sought by a registered grower for a crop, and includes any outside labour engaged for the purpose of that act;

(f) "estate" means any coffee cultivated on one unit which is wholly or partly planted with coffee plants;

(g) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by or on behalf of which a registered pulper is permitted to sell in the domestic market;

(h) "ordinary year of the coffee price equalization scheme" means the period of twelve months;

(i) "processed coffee" means coffee prepared by a pulper under this Act;

(j) "raw coffee or cherry" means coffee in respect of which an amount is required to be paid under section (1) of section 3 or section 4 sub-section (1) of section 11 of the Ordinance or any levy made by the Minister under section 3 sub-section (1) and includes cherry outside the process of which an amount is required to be paid under the provisions of this sub-section;

(k) "registered owner" means an owner of registered or licensed land or a person required to be registered under sub-section (1) of section [illegible];

(l) "surplus pool" means that part of coffee accumulated by the Board out of the crops delivered to the pool under section

(m) duty of excise shall be levied and collected on all coffee produced in Kenya and sold by the grower or pulper on the domestic market at the rate specified in the Schedule to this Act;

(n) "domestic market" means the market for coffee sold and delivered before the commencement of this Act registered or licensed under the

the internal sale quota allotted to it to sell in the Indian market, whether or not coffee is actually sold or not, and on all coffee released for sale from the surplus pool.

(1) The proceeds of the duty of export levied under section 4 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty on exports of coffee shall be payable by the registered owner of the exportable production of coffee and shall be collected by the said by the collection of the amount of the duty payable by such owner from any subsidy to him on account of coffee from the surplus pool. It shall be a first charge on any subsidy, and if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board, recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk he number of hundredweights contained in any quantity f uncured coffe

(4) No action of the Board under this section shall e called in question by any Court.

.(1) Every person owning land planted with coffee lants aggregating not less than 25 acres whether such and is comprised in one estate or in more than one es- ate shall before the expiration of one month from the ommencement of this Act, or before the expiration of ne month from the date on which, after the commencement f this Act, he first becomes subject to the provisions f this sub-section, apply to the registering officer ppointed in this behalf by the Government to be regis- ered as an owner and in respect of each estate owned y him;

Provided that where the estate or estates in ques- ion are situated partly in Mysore and partly in another ndian State or States, the application shall be made to he registering officer appointed by any State.

(2) A registration once made shall continue in force ntil it is cancelled by the registering officer.

(3) If any question arises whether an owner of an state is or is not required to be registered under this ection, the question shall be decided by the Controller f Coffee.

7.(1) The Government may, by notification in the of- icial Gazette, make rules to carry into effect the pro- isions of section 6.

(2) Without prejudice to the generality of the fore- oing power, such rules may prescribe the form of the pplication for registration and for cancellation of egistration, the fee payable on such applications, the articulars to be included in such applications, the

the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to ~~the~~ the Board.

8.(1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian marke..

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

,(1) No registered owner shall, after the commencement of this Act, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded;

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December, 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale enstered into before the 3rd day of December 1940.

10. No registered owner shall sell unsured coffee(including pounded coffee) direct from an estate except under and in accordance with the provisions of a license procured from the Government under section 14.

11. No registered owner shall sell cured coffee(including pounded coffee) otherwise than through a curing establishment licenced under section 17.

2.(1) The Government shall, as soon as may be after

after the commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

13.(1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section(1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorize an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

14. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

15.(1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requir ent, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

16. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

17. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

18. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estat or estates from which it came.

(5) Every curing establishment shall maintain acco in such forms as may be required by the Government and such accounts shall be o en to inspection at any time by the Gov ment or by an officer authorised in this behalf by the Govt

registered

19. The registered owner of an estate in Myso shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitle to receive under the said Ordinance if such estate had been situated in British India.

Failure to register.

20. Any owner of a coffee estate who fails to apply for registration in accordance with section 6 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of Coffee in contravention of sections 8, 9, 10, or 11

21. Any registered owner who sells coffee in contravention of section 8 or section 9 or section 10 or section 11 shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 19 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

22. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

23. Any person who makes in any return to be furnished under section 13 or in any report to be made under section 18 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

24. Whoever obstructs any member of officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

25. (1) No Court other than the Court of a Magistrate of the first class shall take cognizance of any offence punishable under this Act.

offence, punishable under section 20 except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

26. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of this Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 9.

27. (1) Any person aggrieved by an order of the Board refusing a licence to or cancelling a licence of curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

28. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept there-

29. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

30. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December, 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void.

Provided that the Board may by order relax the provisions of this section in their application to any individual contrac

31. The Gover[illegible] may by [illegible] in the official Gazette, make rules to carry out the purposes of this Act.

32. The Government may, delegate all or any of the powers conferred on it by any of the provisions o this Act to the Board or to the Controller

The Mysore Coffee Market Expansion (Emergency) Act, 1940.

(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means).

WHEREAS the Coffee Market Expansion Ordinance, 1940, has been made and promulgated in British India to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India, and by other means;

AND WHEREAS it is necessary to make similar provision in Mysore for assistance to the coffee industry;

NOW, THEREFORE, in exercise of the powers conferred by section 10 of the Mysore Legislative Council Act, 1907

It is hereby enacted as follows:-

(1) This Act may be called the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

In this Act, unless there is anything repugnant in

ontroller of coffee" means the controller o
offee appointed under the Ordinance;

urin " means the application to raw coffee
echanical processes other than pulping for t
urpose of preparing it for marketing;

uring establishment" means any place to whi
w coffee is sent by a registered owner for
uring, and includes any estate which the Boa
y declare to be a curing establishment for t
urposes of this Act;

ch 'e" means an area administered as one un
hich contains land planted with coffee plant

internal sale quota" means that portion stat
n terms of bulk or weight, of the whole of t
offee produced by an estate in the year whic
the internal estate is permitted to sell in t
dian market;

rdinance" means the Coffee (Internal Expansion
rdinance, 1940 of the Government of India;

rescribed" means prescribed by rules made
nder this Act;

egistered estate" means an estate in respect
hich an owner is registered under sub-
ection (1) of section 6 or under sub-section
1) of section 14 of the Ordinance or under any
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ate and includes also any estate in respect of
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r the provisions of that sub-section;

egistered owner" means an owner of an registered
state who has been or is required to be re is-
red under sub-section (1) of section 6;

rplus pool" means the stock of coffee accumu-
ted by the Board out of the quantity delivered
the Board under section

of excise shall be levied at such rate not

ne rupee per hundredweight as may be fixed by

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es sold and delivered before the commencement

to internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

(1) The proceeds of the duty of excise levied under section 4 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board, and recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

6.(1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him;

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

7.(1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 6.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

16. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

17. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

18. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the rnment and having regard to the internal sale quota of estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus poo. and shall report to the Government the (ount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any time by the Govern ment or by an officer authorised in this behalf by the Govt.

registered

19. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the said Ordinance if such estate had be situated in British India.

Failure to register.

20. Any owner of a coffee estate who fails to pply for registration in accordance with section 6 hall be punishable with fine which may extend to one housand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

of Coffee in contravention of tions 8, 9, or 11.

21. Any registered owner who sells coffee in contravention of section 8 or section 9 or section 10 or section 11 shall be punishable with fine which may xtend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 9 to such registered owner a sum equal to the value s estimated by the Board of the coffee unlawfully sold.

22. If any curing establishment operates as such ithout a licence, the owner shall be punishable with ine which may extend to five hundred rupees.

23. Any person who makes in any return to be furished under section 13 or in any report to be made nder section 18 any statement which is false and which e knows to be false or does not believe to be true shal e punishable with fine which may extend to one thousand upees.

24. Whoever obstructs any member of officer of the overnment or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

25. (1) No Court other than the Court of a gistrate of the first class shall take cognizance any offence punishable under this Act.

(2) No Court shall take cognizance of an fence, punishable under section 20 except on com- aint made by an officer authorised in this behalf by e Government or of an offence punishable under any her section except on complaint made with the previou notion of the Government by an officer authorised in is behalf by the Board.

26. The Board shall have power to determine, after ch inquiry as it thinks fit, the amount of coffee ich has at the commencement of this Act been sold, or en sold and delivered in the year by any registered tate, and the amount so determined shall be conclusiv r the purpose of section 9.

27. (1) Any person aggrieved by an order of the refusing a licence to or cancelling a licence of ing establishment may, within sixty days of the g of the order, appeal to the Government.

(2) Any person making an appeal under this on shall pay a fee of five rupees.

28. Any member of the Board, and any officer of oard or other person authorised in this behalf by overnment or the Board, may enter any registered e or any curing establishment and may require the ction for his inspection of any records kept there-

29. Any registered owner to whom an internal
ıle quota is allotted may, subject to the prescribed
)nditions, inspect the records maintained by the
)ard and may on payment of the prescribed fee obtain
)pies of any proceedings or orders of the Board.

30. Nothing in this Act shall apply to or affect
ıy contract for the sale of coffee entered into before
ıe 3rd day of December, 1940, if before the expiration
' twenty-one days from the commencement of this Act the
ıner of the coffee estate or the exporter who has
'fected the contract has furnished to the Government
ırticulars of such contract; but all contracts made
ı or after the said date shall on the commencement of
ıis Act, in so far as they are at variance with the
'ovisions of this Act, be void.

Provided that the Board may by order relax the
_ risions of this section in their application to any
dividual contract.

31. The Government may by notification in the
ficial Gazette, make rules to carry out the purposes
this Act.

32. The Government may, delegate all or any of
ne powers conferred on it by any of the provisions of
his Act to the Board or to the Controller.